

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - PR&RD Department – Sri V. Kumar, the then Mandal Parishad Development Officer, Atmakur Mandal, SPSR Nellore District and presently working as Superintendent, O/o. MPDO, Atmakur, SPSR Nellore District - Departmental proceedings under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Articles of charge – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.IA) DEPARTMENT
G.O.Rt.No. 1558Date:15-10-2011.

ORDER:

It is proposed to hold an enquiry against Sri V. Kumar, the then Mandal Parishad Development Officer, Atmakur Mandal, SPSR Nellore District and presently working as Superintendent, O/o. MPDO, Atmakur, SPSR Nellore District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-II and III).

3. Sri V. Kumar, the then Mandal Parishad Development Officer, Atmakur Mandal, SPSR Nellore District and presently working as Superintendent, O/o. MPDO, Atmakur, SPSR Nellore District is directed to submit within (10) days of the receipt of this order, a written statement of his defence.

4. Sri V. Kumar, the then Mandal Parishad Development Officer, Atmakur Mandal, SPSR Nellore District and presently working as Superintendent, O/o. MPDO, Atmakur, SPSR Nellore District is informed that an enquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri V. Kumar, the then Mandal Parishad Development Officer, Atmakur Mandal, SPSR Nellore District and presently working as Superintendent, O/o. MPDO, Atmakur, SPSR Nellore District is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex parte.

6. Attention of Sri V. Kumar, the then Mandal Parishad Development Officer, Atmakur Mandal, SPSR Nellore District and presently working as Superintendent, O/o. MPDO, Atmakur, SPSR Nellore District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings, it will be presumed that Sri V. Kumar, the then Mandal Parishad Development Officer, Atmakur Mandal, SPSR Nellore District and presently working as Superintendent, O/o. MPDO, Atmakur, SPSR Nellore District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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7. The receipt of the Memorandum be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri V. Kumar, the then Mandal Parishad Development Officer, Atmakur Mandal, SPSR Nellore District and presently working as Superintendent, O/o. MPDO, Atmakur, SPSR Nellore District through the Commissioner of Panchayat Raj & Rural Employment, A.P., Hyderabad.

The Commissioner of Panchayat Raj & Rural Employment, A.P., Hyderabad (in duplicate with a request to serve and return the dated acknowledgement copy).

Copy to:

The General Administration (V&E) Department, B.R.K.R. Buildings, Hyderabad.

The PR&RD (Estt.VII) Department.

// FORWARDED :: BY ORDER //

SECTION OFFICER.

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI V. KUMAR, THE THEN MANDAL PARISHAD DEVELOPMENT OFFICER, ANANTASAGARAM, SPSR NELLORE DISTRICT AND PRESENTLY WORKING AS SUPERINTENDENT, O/O. MPDO, ATMAKUR, SPSR NELLORE DISTRICT

CHARGE:

The said Sri V. Kumar, Mandal Parishad Development Officer, Atmakur and presently working as Superintending, O/o. MPDO, Atmakur has misused his official position and committed irregularities in entrustment of work sanctioned vide G.O.Ms.No.13, Dt. 13.06.2008 for the year 2008-09 under IDP's by violating the procedures prescribed under G.O.Ms.No.37, Dt. 18.02.2005 (Clause b & f).

BASIS:-

Vide Vigilance report No.80 (50/V&E/E1/09, Dt. 17.07.2010) V&E Dept., have observed that the charged officer has recommended to Executive Engineer for entrustment of work of Atmakur (M) sanctioned under G.O.13 works with a malafide intention to the persons of the choice of political leaders without following guidelines formed by the Govt. vide G.O.Ms.No.37, PR&RD, Programs (IA) Dept. Dt. 18.02.2005 in respect of entrustment of works under IDP's of the year 2008-09.

- 1) The method of entrustment of works envised in G.O.Ms.No.37, Dt. 18.02.2005 is as follows:-
 - a) Works with an upper limit of Rs.5.00 lakhs can be entrusted to works Committee/self help groups at the village level and the nominee of the Committee or group leader enter into agreement with the executing agency with the following guide lines.
 - b) The works shall be entrusted to habitation level committee/habitation works committee/village level committee etc., as was done in Janma Bhoomi Programme and FFWP.
 - c) The concerned Gram Panchayat will resolve and from the above committee for execution of works dovetailed with rice in that Gram Panchayat.
 - d) In case any Gram Panchayat fails to constitute the above said committee due to various reasons, within a time frame fixed by the concerned MPSO/DLPO, then the MPDO concerned to the Gram Panchayat will constitute the Habitation Works Committee in the interest of development in that village.
- 2) The Government extended the powers for entrustment of P.R Works with an upper limit of Rs. 5.00 lakhs even without Rice tie-up to the Works Committee/Self Help Groups (SHG's) at the village level, vide G.O.Ms.No.10, PR&RD (Progs.IA) Dept., Dt. 18.02.2005.

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- 3) The proceedings of District Collector sanctioning the works are dated 31/12/2008. As per the records verified, out of 270 works sanctioned (in six mandals) 95 works are recommended for entrustment by the concerned MPDO's to Self Help Groups on 01.01.2009 itself without constituting Habitation Works Committee (HWC) by the concerned Gram Panchayat, prior to the interim directions of the Hon'ble High Court. The recommendations of MPDO's is in violation of clause (b) of G.O.Ms.No.37, PR&RD (Progs.IA) Department, Dt.18.02.2005.
- 4) The Charged Officer has recommended to the Executive Engineer, PR Nellore for entrusted of above 95 works on 02.01.2009 and 03.01.2009 to the Self Help Groups without any Gram Panchayat Resolution in all the 6 mandals of Atmakur Assembly Constituency and the remaining 175 works were entrusted at later dates (i.e. after 16.01.2009) to the Habitation Works Committee constituted by the concerned Gram Panchayats.

The Hon'ble High Court in common judgment vide WUP No.1172,1276 & 1277, Dt.30.01.2009 had directed to strictly follow the Guide Lines prescribed in the above GO particularly clause "B".

The Central idea of G.O.Ms.No.37 is to involve the Gram Panchayat in execution of works and thereby generating resources/employment to the local population by passing the Gram Panchayat and entrusting the works to the Self Help Groups defeats the very purpose of GO.

In view of the above it is very much evident that the Charged Officer has violated the procedure prescribed by the Govt. in execution of works sanctioned under IDP's vide G.O.Ms.No.37.

Hence the Charge.

DR. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

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SECTION OFFICER.

ANNEXURE-II

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST SRI V. KUMAR, THE THEN MANDAL PARISHAD DEVELOPMENT OFFICER, ANANTASAGARAM, SPSR NELLORE DISTRICT AND PRESENTLY WORKING AS SUPERINTENDENT, O/O. MPDO, ATMAKUR, SPSR NELLORE DISTRICT ARE PROPOSED TO BE SUSTAINED.

Vigilance Report No.80 (50/V&E/E1/2009) dt.17.7.2010 of G.A.(V&E) Dept.

DR. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER.

ANNEXURE – III

LIST OF WITNESSES BY WHICH THE DRFT ARTICLE OF CHARGE FRAMED AGAINST SRI V. KUMAR, THE THEN MANDAL PARISHAD DEVELOPMENT OFFICER, ANANTASAGARAM, SPSR NELLORE DISTRICT AND PRESENTLY WORKING AS SUPERINTENDENT, O/O. MPDO, ATMAKUR, SPSR NELLORE DISTRICT ARE PROPOSED TO BE SUSTAINED.

-Nil-

DR. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER.